



## General Assembly

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### Fifty-fifth session First Committee

Agenda item 73 (r)

**General and complete disarmament: follow-up to the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons***

Bangladesh, Brunei Darussalam, Cambodia, Colombia, Congo, Costa Rica, Ecuador, Fiji, Ghana, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Kenya, Malaysia, Marshall Islands, Mexico, Mongolia, Myanmar, Nepal, Nigeria, Peru, Philippines, San Marino, Saudi Arabia, Singapore, Sri Lanka, Sudan, Thailand, Viet Nam, Zambia and Zimbabwe: draft resolution

### **Follow-up to the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons***

*The General Assembly,*

*Recalling* its resolutions 49/75 K of 15 December 1994, 51/45 M of 10 December 1996, 52/38 O of 9 December 1997, 53/77 W of 4 December 1998 and 54/54 Q of 1 December 1999,

*Convinced* that the continuing existence of nuclear weapons poses a threat to all humanity and that their use would have catastrophic consequences for all life on Earth, and recognizing that the only defence against a nuclear catastrophe is the total elimination of nuclear weapons and the certainty that they will never be produced again,

*Reaffirming* the commitment of the international community to the goal of the total elimination of nuclear weapons and the creation of a nuclear-weapon-free world,

*Mindful* of the solemn obligations of States parties, undertaken in article VI of the Treaty on the Non-Proliferation of Nuclear Weapons,<sup>1</sup> particularly to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament,

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<sup>1</sup> United Nations, *Treaty Series*, vol. 729, No. 10485.

*Recalling* the principles and objectives for nuclear non-proliferation and disarmament adopted at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,<sup>2</sup>

*Welcoming* the unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament,

*Recalling also* the adoption of the Comprehensive Nuclear-Test-Ban Treaty in its resolution 50/245 of 10 September 1996, and expressing its satisfaction at the increasing number of States that have signed and ratified the Treaty,

*Recognizing with satisfaction* that the Antarctic Treaty<sup>3</sup> and the treaties of Tlatelolco,<sup>4</sup> Rarotonga,<sup>5</sup> Bangkok<sup>6</sup> and Pelindaba<sup>7</sup> are gradually freeing the entire southern hemisphere and adjacent areas covered by those treaties from nuclear weapons,

*Noting* the efforts by the States possessing the largest inventories of nuclear weapons to reduce their stockpiles of such weapons through bilateral agreements or arrangements and unilateral decisions, and calling for the intensification of such efforts to accelerate the significant reduction of nuclear-weapon arsenals,

*Recognizing* the need for a multilaterally negotiated and legally binding instrument to assure non-nuclear-weapon States against the threat or use of nuclear weapons,

*Reaffirming* the central role of the Conference on Disarmament as the single multilateral disarmament negotiating forum, and regretting the lack of progress in disarmament negotiations, particularly nuclear disarmament, in the Conference on Disarmament during its 2000 session,

*Emphasizing* the need for the Conference on Disarmament to commence negotiations on a phased programme for the complete elimination of nuclear weapons with a specified framework of time,

*Desiring* to achieve the objective of a legally binding prohibition of the development, production, testing, deployment, stockpiling, threat or use of nuclear weapons and their destruction under effective international control,

*Recalling* the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*, issued on 8 July 1996,<sup>8</sup>

*Taking note* of the relevant portions of the note by the Secretary-General<sup>9</sup> relating to the implementation of resolution 54/54 Q,

<sup>2</sup> 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, Part I (NPT/CONF/1995/32 (Part I)), annex, decision 2.

<sup>3</sup> United Nations, *Treaty Series*, vol. 402, No. 5778.

<sup>4</sup> *Ibid.*, vol. 634, No. 9068.

<sup>5</sup> See the *United Nations Disarmament Yearbook*, vol. 10: 1985 (United Nations publication, Sales No. E.86.IX.7), appendix VII.

<sup>6</sup> Treaty on the South-East Asia Nuclear-Weapon-Free Zone.

<sup>7</sup> A/50/426, annex.

<sup>8</sup> A/51/218, annex.

<sup>9</sup> A/55/131 and Add.1.

1. *Underlines once again* the unanimous conclusion of the International Court of Justice that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control;

2. *Calls once again upon* all States immediately to fulfil that obligation by commencing multilateral negotiations in 2001 leading to an early conclusion of a nuclear weapons convention prohibiting the development, production, testing, deployment, stockpiling, transfer, threat or use of nuclear weapons and providing for their elimination;

3. *Requests* all States to inform the Secretary-General of the efforts and measures they have taken on the implementation of the present resolution and nuclear disarmament, and requests the Secretary-General to apprise the General Assembly of that information at its fifty-sixth session;

4. *Decides* to include in the provisional agenda of its fifty-sixth session the item entitled "Follow-up to the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*".